

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 19, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B159074	People v. Gandy
B159301	People v. Gordon B.
B159433	People v. Gutierrez
B159881	People v. Lee
B160200	People v. Rollison
B160994	People v. Johnson
B161021	People v. Marin
B161871	People v. Alserham
B162331	DCFS v. Theresa L.
B162456	People v. Pettaway
B162849	People v. Juan B.
B162897	People v. Bell
B163197	People v. Randy B.
B164807	In re T.C./DCFS v. Christine C.
B164994	DCFS v. Thomas J.
B167990	T. Peter G. v. Superior Court; DCFS

Argument waived, cause submitted.

B158627	Aaron Air LLC
	v.
	Universal Jet et al.

Merits:

Argued by Edward E. Corey for appellant and by Lloyd Kirschbaum for
respondents. Cause submitted.

DIVISION ONE (Continued)

B161004 People
 v.
 Jackson

Merits:
Argued by Gerald F. Moriarty for appellant and by Zee Rodriguez, Deputy Attorney General, for respondent. Cause submitted.

Vogel, J. leaves the bench.

B152687 Manchester
 v.
 Chung

Merits:
Argued by Michael Manchester, appellant in propria persona and no appearance for respondent. Cause submitted.

Vogel, J. returns to the bench.

B163064 Gans et al.
 v.
 Smull et al.

Merits:
Argued by Richard Sontag for respondents and no appearance for appellants. Cause submitted.

B164246 People
 v.
 Campbell

Merits:
Argued by David C. Read for appellant and by Tita Nguyen, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B157204 Barton Properties, Inc.
 v.
 City of Los Angeles Board of Building & Safety Commissioners

Merits:
Argued by John B. Wallace for appellant and by Ingrid M. Causey for respondent. Cause submitted.

Mallano, J. returns to the bench.

Vogel, J. leaves the bench.

B159290 People
 v.
 Lopez

Merits:
Argued by Thomas T. Ono for appellant and by Alene M. Games, Deputy Attorney General, for respondent. Cause submitted.

B158555 Rothman & Associates
 v.
 Barab et al.

Merits:
Argued by David deRubertis for appellant and by Charles M. Coate for respondents. Cause submitted.

B159544 Matsumoto et al.
 v.
 Housing Authority of the County of Kern et al.

Merits:
Argued by William R. Hart for appellants and by Robert W. Fisher, Jr. for respondents. Cause submitted.

Court adjourned.

August 19, 2003 (Continued)

DIVISION ONE (Continued)

B162331 Los Angeles County, D.C.S. (Not for Publication)
v.
Theresa L.

The October 23, 2002, order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B161021 People (Not for Publication)
v.
Marin

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B142962 Colmenares (Not for Publication)
v.
Braemar Country Club, Inc.

The judgment is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

August 19, 2003 (Continued)

DIVISION ONE (Continued)

B164246 People (Not for Publication)
v.
Campbell

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B160200 People (Not for Publication)
v.
Mitchell L. Rollison

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B161871 People (Not for Publication)
v.
Salem A. Alserhan

The judgment is reversed as to count 2 only, modified to stay the sentences imposed on counts 3 and 4 and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

I concur: Mallano, J.
I concur and dissent: Ortega, Acting P.J. (Opinion)

August 19, 2003 (Continued)

DIVISION ONE (Continued)

B162456 People (Not for Publication)
v.
Mossy Pettaway

The judgment is modified by striking one five-year enhancement and, as modified, affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B158719 People (Not for Publication)
v.
Coburn

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

B165698 Los Angeles County, D.C.S. (Not for Publication)
v.
Amber L.
Superior Court of Los Angeles County

The petition is denied.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B161320 People v. Puente (Not for Publication)

The judgment is modified to find appellant suffered three, rather than four, prior prison sentences within the meaning of section 667.5, subdivision (b), and to strike rather than stay the enhancements. In all other respects the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B166535 Stevedoring Services of America (Not for Publication)
v.
Superior Court, Los Angeles County
(City of Long Beach et al., r.p.i.)

This is a proper case for issuance of a peremptory writ in the first instance. (§ 1088; *Palma v. U.S. Industrial Fasteners, Inc.*, *supra*, 36 Cal.3d. at pp. 177-180.)

Let a writ of mandate issue, directing the respondent court to vacate its order of April 9, 2003, granting Parsons's motion for an order determining good faith settlement and dismissing SSA's cross-complaint against Parsons, and to issue a new and different order, denying the motion for determination of a good faith settlement. The stay heretofore issued is dissolved. Petitioner to recover its costs of this petition.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B149561 Brumfield, et al. (Not for Publication)
 v.
 Death Row Records Inc. et al.

The judgment and order are affirmed. Each side is to bear their own costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B157908 Bray (Not for Publication)
 v.
 Cedars-Sinai Medical Center

The judgment is reversed. The trial court is ordered to allow the responses to the RFA's to be filed. The parties are ordered to bear their own costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B162466 Mizrahi et al. (Not for Publication)
 v.
 Fulton

The order granting the motion to strike and awarding attorney fees and costs to respondent in the amount of \$700 is reversed. Appellants shall receive costs on appeal.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

August 19, 2003 (Continued)

DIVISION TWO (Continued)

B155081 People (Not for Publication)
v.
Fleming

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B162117 Magoo (Not for Publication)
v.
The Law Firm of Larry H. Parker, Inc., et al.

The judgment is reversed. Magoo shall recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B156705 Janicki
 v.
 Boeing Company, Inc.

Filed order denying petition for rehearing.

DIVISION FIVE

B162485 Jarel Enterprises, Inc. (Not for Publication)
 v.
 South China, Inc.

The judgment is affirmed. Seller is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B152773 In re Marriage (Not for Publication)
 of
 SANDRA M. LEE and ALONZO LEE, JR.

The order denying spousal support arrearages is reversed. The order is otherwise affirmed. All parties are to bear their own costs on appeal.

Mosk, J.

I concur: Armstrong, J.
I dissent: Grignon, Acting P.J. (Opinion)

August 19, 2003 (Continued)

DIVISION FIVE (Continued)

B162124 People (Not for Publication)
v.
Young Rhee

The judgment is affirmed as modified. The abstract of judgment shall be amended to impose on defendant a total lab fee of \$100 under section 11372.5, plus a \$100 state penalty assessment under section 1464, and a \$70 penalty assessment Government Code section 76000 for a total of \$270.

Mosk, J.

I concur: Grignon, J.
I concur and dissent: Turner, P.J. (opinion)

DIVISION SIX

B164264 People (Not for Publication)
v.
Baioa

The judgment is reversed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B162137 People (Not for Publication)
v.
Osorio

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

August 19, 2003 (Continued)

DIVISION SIX (Continued)

B163378 Lori Smart, et al. (Not for Publication)

v.

Kathryn Andersson,
Gerald I Sugarman

The judgment is affirmed. The parties shall bear their own costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.